IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.12137 of 2004
Date of Decision:21.05.2007

Tejinder Singh

.....Petitioner

Vs.

Punjab State Electricity Board, The Mall, Patiala and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. V.K.Chaudhri, Advocate for the petitioner.

Mr. B.S.Jolly, Advocate for the respondents.

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M.M.Kumar, J.

The prayer made by the petitioner in this petition filed under Article 226 of the Constitution is for issuance of direction to the respondents to count the period of his adhoc service towards seniority and for grant of other benefits on regularisation of the afore-mentioned period.

It is admitted position that the petitioner was appointed on 6.7.1988 (Annexure P.1) for a period of two months purely on adhoc basis. Thereafter, his services were regularised with effect from 1.2.1996 on the post of Oil Cleaner. The petitioner had also been promoted further on the post of S.S.A. on 12.9.2003 (Annexure P.12). The claim made in the present petition is that he is entitled to attach the period of adhoc service from 1988 to 1996 on the post of Oil Cleaner for the purposes of obtaining seniority and consequential benefits on that basis.

After hearing learned counsel, we are of the considered view that no direction to the respondents to grant the benefit of adhoc service to the petitioner for the purposes of seniority could be issued as it is well settled that adhoc service cannot be counted for the purposes of seniority. In that regard reliance may be placed on a Constitution Bench judgment of Hon'ble the Surpeme Court in the case of **Direct Recruit Class II Engg. Officers' Association v. State of Maharashtra,** AIR 1990 SC 1607.

Moreover, the claim is also highly belated as the petitioner was regularised on 1.2.1996 on the post of Oil Cleaner which has attained finality and the instant petition was filed in the year 2004. Even a civil suit will not be competent for claiming the relief.

There is no merit in the petition.

Dismissed.

(M.M.KUMAR)
JUDGE

May 21, 2007 **(RAJESH BINDAL)**
renu **JUDGE**